

1-1 By: Krause (Senate Sponsor - Hancock) H.B. No. 648
1-2 (In the Senate - Received from the House May 11, 2015;
1-3 May 12, 2015, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2015, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 18, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the selection of directors to the board of directors for
1-18 the Viridian Municipal Management District.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 3861.051, Special District Local Laws
1-21 Code, is amended to read as follows:

1-22 Sec. 3861.051. GOVERNING BODY; TERMS. (a) Except as
1-23 provided by Section 3861.0521, the [The] district is governed by a
1-24 board of five directors as follows:

1-25 (1) three directors appointed by the mayor and the
1-26 governing body of the city as provided by Section 3861.052(a); and

1-27 (2) two directors elected from the district at large
1-28 as provided by Section 3861.052(b).

1-29 (b) Directors [who] serve staggered terms of four years[
1-30 with two or three directors' terms expiring May 31 of each
1-31 even-numbered year].

1-32 SECTION 2. Section 3861.052, Special District Local Laws
1-33 Code, is amended to read as follows:

1-34 Sec. 3861.052. APPOINTMENT OR ELECTION OF DIRECTORS [~~DATE~~].

1-35 (a) The mayor and members of the governing body of the city shall
1-36 appoint three of the directors from persons recommended by the
1-37 board. A person is appointed if a majority of members and the mayor
1-38 vote to appoint that person.

1-39 (b) The board shall hold an election to elect one director
1-40 [elections for directors] on the uniform election date in May in
1-41 each even-numbered year [years].

1-42 SECTION 3. Subchapter B, Chapter 3861, Special District
1-43 Local Laws Code, is amended by adding Section 3861.0521 to read as
1-44 follows:

1-45 Sec. 3861.0521. REQUIREMENT TO ELECT ALL DIRECTORS. (a)
1-46 Not later than January 1 of each year, the board shall conduct a
1-47 review to determine what percentage of the developable acreage in
1-48 the district has been developed. The board by rule shall establish
1-49 criteria for determining whether certain acreage is developable.

1-50 (b) If the board determines on conclusion of a review
1-51 conducted under Subsection (a) that at least 90 percent of the
1-52 developable acreage in the district has been developed, Section
1-53 3861.052 does not apply to the district and all five directors shall
1-54 be selected by elections held on the uniform election date in May in
1-55 even-numbered years.

1-56 (c) If the board makes the determination described by
1-57 Subsection (b), a director appointed to the board before the board
1-58 makes that determination is entitled to serve the remainder of the
1-59 director's unexpired term.

1-60 (d) A vacancy on the board that occurs on or after the date
1-61 the board makes the determination described by Subsection (b) shall

2-1 be filled in the manner prescribed by Section 3861.054(b).

2-2 SECTION 4. Section 3861.054, Special District Local Laws
 2-3 Code, is amended to read as follows:

2-4 Sec. 3861.054. VACANCY. (a) If a vacancy occurs in the
 2-5 office of an appointed director, the mayor and members of the
 2-6 governing body of the city shall fill the vacancy for the remainder
 2-7 of the director's unexpired term in the same manner as the original
 2-8 appointment.

2-9 (b) If a vacancy occurs in the office of an elected
 2-10 director, the ~~The~~ remaining directors shall fill the ~~a~~ vacancy
 2-11 ~~[on the board]~~ by appointing a person who meets the qualifications
 2-12 prescribed by Section 3861.053.

2-13 ~~[(b)]~~ If there are fewer than three directors, the mayor and
 2-14 members of the governing body of the city shall appoint the
 2-15 necessary number of directors who meet the qualifications
 2-16 prescribed by Section 3861.053 to fill all board vacancies,
 2-17 regardless of whether the vacating directors were appointed or
 2-18 elected.

2-19 SECTION 5. Section 3861.203, Special District Local Laws
 2-20 Code, is amended to read as follows:

2-21 Sec. 3861.203. APPOINTMENT ~~[ELECTION]~~ OF DIRECTORS OF NEW
 2-22 DISTRICTS. (a) Not later than the 90th day after the date of an
 2-23 election in favor of the division of the district, the mayor and
 2-24 members of the governing body of the city ~~board~~ shall:

2-25 (1) appoint ~~itself as~~ the board of the original
 2-26 district as the board of one of the new districts; and

2-27 (2) appoint five directors for each of the other new
 2-28 districts in the manner prescribed by Section 3861.052(a).

2-29 (b) Directors appointed under Subsection (a)(1) serve the
 2-30 remainder of the ~~staggered~~ terms to which they were appointed or
 2-31 elected in the original district. Notwithstanding Section
 2-32 3861.053, a director appointed under Subsection (a)(1) is eligible
 2-33 to serve only if the director owns land inside the area described by
 2-34 the boundaries of the original district. Directors appointed under
 2-35 Subsection (a)(2) serve until May 31 of the first even-numbered
 2-36 year after the year in which the directors are appointed ~~[the~~
 2-37 ~~election for directors under Subsection (c)]~~.

2-38 (c) On the uniform election date in May of the first
 2-39 even-numbered year after the year in which the directors are
 2-40 appointed, the appointed board shall hold an election to elect two
 2-41 ~~[five]~~ directors and the mayor and members of the governing body of
 2-42 the city shall appoint three directors in the manner prescribed by
 2-43 Section 3861.052(a) in each district for which directors were
 2-44 appointed under Subsection (a)(2).

2-45 (d) Section 3861.052 applies to a new district in the same
 2-46 manner as that section applies to the original district. ~~[The~~
 2-47 ~~directors shall draw lots to determine which two shall serve until~~
 2-48 ~~the next regularly scheduled election of directors and which three~~
 2-49 ~~shall serve until the second regularly scheduled election of~~
 2-50 ~~directors.]~~

2-51 SECTION 6. (a) A member of a board of directors who was
 2-52 elected under Section 3861.052 or 3861.203, Special District Local
 2-53 Laws Code, or appointed to fill a vacancy under Section 3861.054,
 2-54 Special District Local Laws Code, before the effective date of this
 2-55 Act shall continue to serve until the expiration of the member's
 2-56 term. As members' terms expire, the mayor and members of the
 2-57 governing body of the city shall fill an appropriate number of the
 2-58 vacancies by appointment so that the board consists of three
 2-59 appointed directors and two elected directors as required by
 2-60 Section 3861.052, Special District Local Laws Code, as amended by
 2-61 this Act.

2-62 (b) The mayor and members of the governing body of the city
 2-63 may make the appointments permitted by Section 3861.052(a), Special
 2-64 District Local Laws Code, as amended by this Act, to fill a vacancy
 2-65 occurring on the board of directors on or after the effective date
 2-66 of this Act.

2-67 SECTION 7. This Act takes effect September 1, 2015.

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